

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MEYNARD DESIGNS, INC. AND EARTH
VISIONS INC.

Plaintiffs and
Counterclaim-Defendants,

v.

EARTH PRODUCTS INC.

Defendant and
Counterclaim-Plaintiff.

EARTH PRODUCTS INC.

Third-Party Plaintiff
Counterclaim-Defendant,

v.

PLANET, INC.

Third-Party Defendant and
Counterclaim-Plaintiff.

CIVIL ACTION NO. 05 cv 11781 NMG

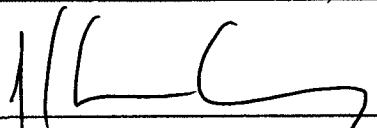
**EARTH PRODUCTS INC.'S CERTIFICATION
PURSUANT TO LOCAL RULE 16.1(d)(3)**

Earth Products Inc.'s counsel and authorized representative affirm, pursuant to Local Rule 16.1(d)(3), that they have conferred with a view to establishing a budget for the costs of conducting the full course and various alternative courses of the litigation. They further affirm they have conferred and considered the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Dated: September 29, 2006

By: 
Jeff Larsen
President, Earth Products Inc.

Dated: October 2, 2006

By: 
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